

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST.) NO. 25164 OF 2017
WITH
CIVIL APPLICATION (ST.) NO. 25218 OF 2017
IN
APPEAL FROM ORDER (ST.) NO. 25164 OF 2017**

Harmesh Singh Chadha

...Applicant/
Appellant

Versus

The Mumbai Metropolitan Region
Development Authority

...Respondent

.....

Mr. Vincent X. D'silva for the Applicant.
Mr. Ajay Khaire a/w. Mr. Nair Ranjith Ramesh i/b. M/s. The Law Point
for the Respondent.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 08, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Appeal from Order is directed against the order dated 18.08.2017 passed by the learned Ad-hoc Judge & Assistant Sessions Judge, City Civil Court & Sessions Court, (Borivali Division), Dindoshi, thereby rejecting the ad-interim relief in respect of the suit structure, which is standing on a terrace above Gala No. 2, 10th floor, Pinnacle Corporate

Park Building, Near Trade Centre, Bandra-Kurla Complex, Bandra (E), Mumbai, where the applicant/plaintiff was running his bar and restaurant.

3. Learned counsel for the appellant has submitted that the Mumbai Metropolitan Region Development Authority has no authority to take action, but it is a Municipal Corporation who have decided the legality of the suit structure. He has further submitted that the respondent be directed to take action as per due process of law hereafter.

4. Learned counsel for the respondent has opposed this Appeal from Order and supported the order passed by the trial Court. He has further submitted that the suit structure is demolished.

5. Perused the impugned order and the photographs. It appears that notice dated 06.06.2017 issued by the respondent is executed. The order dated 18.08.2017 passed by the learned Judge is a well reasoned order. No interference is required. The respondent is directed to file a reply on the next date i.e. 11.09.2017 in the trial Court and thereafter, the learned Judge of the trial Court to endeavor to dispose of the Notice of Motion on or before 10.11.2017.

6. Appeal from Order is disposed of accordingly.

7. In view of dismissal of the Appeal from Order, nothing survives for consideration in Civil Application and the same also stands disposed of.

(MRIDULA BHATKAR, J.)